

8/29

8-27

MICHIGAN DEPARTMENT OF CORRECTIONS  
MISCONDUCT REPORTCSJ-228  
10/10 4835-3228

Prisoner Number: <b>397428</b>	Prisoner Name: <b>Centrell</b>	Facility Code: <b>IBC</b>	Lock: <b>2-246 B</b>	Violation Date: <b>8-19-17</b>
Time and Place of Violation: <b>2015 Housing Unit 2 B Upper</b>		Contraband Removal Record Provided to Prisoner? <input type="checkbox"/> Yes Date _____ <input type="checkbox"/> N/A		
Misconduct Class: <input checked="" type="checkbox"/> I <input type="checkbox"/> II <input type="checkbox"/> III		Charge(s): <b>Assault and Battery (Staff Victim)</b>		
Describe Violation (If contraband involved, describe in detail; identify any other employee witnesses): <b>While escorting Prisoner Centrell #397428 From 2-246 B to Housing unit B He pulled away At the top of the stairs causing me to lose my Balance. Prisoner Centrell Continued to tense his Body and Resist our Efforts to gain control. Prisoner Centrell was placed on the ground, given orders to Stop Resisting. Prisoner Centrell continued to Resist. We gained control of Prisoner Centrell and Finished the Escort to Housing Unit B. ID by State ID &amp; Huz Court Board.</b>				
Reporting Staff Member's Name (Print) <b>Heilig</b>		Reporting Staff Member's Signature 		Date and Time Written <b>8-19-17 2111</b>
REVIEW				
Location/Verification/Condition of Evidence: <b>/</b>				
Elevated to Class I at review: <input type="checkbox"/> No <input type="checkbox"/> Yes		If "yes", explain reason:		
COMPLETE THIS SECTION ONLY FOR REVIEW OF CLASS I MISCONDUCT				
Status Pending Hearing: <input type="checkbox"/> Bond <input checked="" type="checkbox"/> Segregation <input type="checkbox"/> Confinement to Cell/Room <input type="checkbox"/> Other				
Reason If Non-Bond: <input checked="" type="checkbox"/> Non-Bond List <input type="checkbox"/> Bond Revoked (must give reason)				
Date and Time Given this Status: <b>8-19-17 2120</b>		Who Notified in Housing Unit of Status: <b>40 Johnson</b>		
Hearing Investigator Requested? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		Witnesses Requested? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		
Relevant Documents Requested? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		If yes, list:		
Additional Comments:		Prisoner Waives 24 Hour Notice of Hearing? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes Hearing Date: <b>8-21-2017</b>		
Reviewing Officer's Name (Print) <b>Lt. S. Gilbert</b>		Reviewing Officer's Signature 		Review Date and Time <b>8-19-17 2130</b>
I have received a copy of this report. My signature does not necessarily mean that I agree with the report. <input checked="" type="checkbox"/> Prisoner refused to sign. Copy given to prisoner.		Prisoner's Signature		Date
WAIVER OF CLASS I OR II HEARING				
I understand I have a right to a hearing. I waive my right to a hearing and plead guilty to all charges. I also waive my right to appeal and accept the sanctions imposed.		Prisoner's Signature		Date
SANCTIONS IMPOSED (Hearing Investigator enters begin and end dates for Class II misconducts)				
_____ Days Toplock	Begin: _____	Ends: _____	<input type="checkbox"/> Counseling/Reprimand (Class III only)	
_____ Days Loss of Privileges	Begin: _____	Ends: _____	<input type="checkbox"/> \$ _____ Restitution (Class II only)	
_____ Hours Extra Duty	Begin: _____	Ends: _____		
Property Disposition If Applicable: _____				
Employee Accepting Plea and Imposing Sanction (Print)		Employee's Signature		Date
Hearing Investigator's Name (Print)		Hearing Investigator's Signature		Date

Distribution: Prisoner; Counselor File; Record Office File (Class I and II); Central Office File (Class I); Hearing Investigator (Class I &amp; Class II)

## MICHIGAN DEPARTMENT OF CORRECTIONS

## CLASS I MISCONDUCT HEARING REPORT

Prisoner <b>397429</b>	Prisoner Name <b>Cantrell</b>	Facility Code <b>IBC</b>	Lock <b>8-27</b>	Violation Date <b>08/19/2017</b>
Charge(s) <b>Assault and Battery (2015)</b>				
If Charge Changed by Hearing Officer			Plea <input type="checkbox"/> Guilty <input checked="" type="checkbox"/> Not Guilty	
Misconduct Report Read to and Discussed with Prisoner Hearing Investigation Read to and Discussed with Prisoner		<input checked="" type="checkbox"/> (check if applies) <input checked="" type="checkbox"/> (check if applies) No Hearing Investigation Requested <input type="checkbox"/> (check if applies)		
<b>EVIDENCE/STATEMENTS IN ADDITION TO MISCONDUCT REPORT</b>				
<p>I began the hearing by viewing a video outside of prisoner's presence. The video shows four officers escorting prisoner on the wing. As prisoner and the officers step down the stairs, one of the officers loses his balance. After reaching the bottom of the stairs and the staff are escorting prisoner, one of the officers places his foot under prisoner, tripping him. Staff and prisoner go to the floor. The video and video statement are marked confidential for security purposes. Prisoner present. Video summarized. All documents are one page unless otherwise noted. Misconduct Report, Hearing Investigation Report, including prisoner's statement to the hearing investigator, Misconduct Sanction Screening Form, read to and discussed with prisoner.</p> <p><b>ORAL STATEMENT FROM PRISONER AT HEARING:</b> I was going with the motion. I did not do anything wrong. I told prisoner the decision, sanction and dates prior to his leaving the hearing room.</p> <p><b>DUE PROCESS:</b> It is noted that the reporter placed an incorrect prisoner number on the Misconduct Report. I find this to be harmless clerical error.</p>				
<b>REASONS FOR FINDINGS</b>				
<p>PD 03.03.105 defines assault and battery as an intentional, non-consensual touching of another person done either in anger or with the purpose of abusing or injuring another; physical resistance or physical interference with an employee. Injury is not necessary but contact is. The reporter says that while he was escorting prisoner, prisoner pulled away at the top of the stairs, causing the reporter to lose his balance. Prisoner continued to tense his body and resist staff escort to gain control. Prisoner continued to resist while he was on the floor. The video shows the reporter lose his footing, but it is not clear that prisoner at any time tenses up. Prisoner's explanation of the event, that he was just going with the motion, also is consistent with the video. Three other staff members were present, but their statements were not submitted to determine the veracity of the reporter or of prisoner. Without such statements of verification, I am not convinced that prisoner physically resisted or interfered with an employee. In addition, the Misconduct Report and the video do not indicate that prisoner's action was a non-consensual touching of another person done either in anger or with the purpose of abusing or injuring another.</p>				
<b>PROPERTY DISPOSITION (for contraband see PD 04.07.112)</b>				
<b>FINDINGS</b>				
Charge No. 1	<input checked="" type="checkbox"/> Guilty	<input checked="" type="checkbox"/> Not Guilty	<input type="checkbox"/> Dismissed	Reporting Code <b>008</b>
Charge No. 2	<input type="checkbox"/> Guilty	<input type="checkbox"/> Not Guilty	<input type="checkbox"/> Dismissed	Reporting Code _____
Charge No. 3	<input type="checkbox"/> Guilty	<input type="checkbox"/> Not Guilty	<input type="checkbox"/> Dismissed	Reporting Code _____
Charge No. 4	<input type="checkbox"/> Guilty	<input type="checkbox"/> Not Guilty	<input type="checkbox"/> Dismissed	Reporting Code _____
<b>DISPOSITION (select one or more) (Toplock &amp; LOP Sanctions End at 6:00 am)</b>				
_____ Days of Detention		_____ Begins		_____ Days Credit
_____ Days Top Lock		_____ Ends		_____ Hours Extra Duty
_____ Days Loss of Privileges		_____ \$ _____		_____ Restitution
Misconduct Hearing Report personally handed to Prisoner by Hearing Officer on this date: _____ (Check if Applies) <input type="checkbox"/>			Hearing Report given to Staff Member by Hearing Officer for Delivery to Prisoner this date: <b>8/23/2017</b> (Check if Applies) <input checked="" type="checkbox"/>	
Date of Hearing <b>08/23/2017</b>			Name of Staff Member <b>HI Novak</b>	
Hearing Officer's Name <b>S. Burke 053</b>		Hearing Officer's Signature <i>S. Burke</i>		Date <b>8-23-17</b>

DISTRIBUTION Record Office, Central Office File, Prisoner, Counselor File, Hearing Investigator

MICHIGAN DEPARTMENT OF CORRECTIONS  
**HEARING INVESTIGATION REPORT**

CAJ-681  
 REV. 2/90  
 4835-0681

Number: 397429	Name: Cantrell	Date Seen: 8/21/2017	Time Seen:
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PRISONER'S STATEMENT: "I didn't do anything. I was walking with them and Heilig just kind of tripped down the stairs. There were four of them and one of me so there was not much room left on the stairs. Heilig just sort of tripped, he didn't fall and I didn't push or pull him. We got to the bottom of the stairs and they just tripped me and jumped on me for no reason. I was walking and doing what they wanted."

WITNESSES REQUESTED: ☐ Yes ☐ No

1. \_\_\_\_\_ 2. \_\_\_\_\_  
 3. \_\_\_\_\_ 4. \_\_\_\_\_

QUESTIONS TO STAFF WITNESSES: \_\_\_\_\_

The facility is requesting the attached video be made confidential due to security concerns. I certify the video is an accurate copy made from the original recording.

Signature:

*B. M.*

Date:

8/22/2017

Video Summary

Re: 397429 Cantrell

Date: 8/19/17

Location: Unit 2

A group of officers is escorting Cantrell down the stairs in unit 2. I do not know who any of the officers are, they are not listed on the misconduct report, and no witness statements were provided. While coming down the stairs officer Hellig slips and loses his footing. Once on base one of the unknown officers trips Cantrell and the whole group ends on the floor, with the officers on top of Cantrell.

CONFIDENTIAL  
PER H.O. Frank 033  
DATE 8-23-17